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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,578	01/21/2000	Robert J. Snyder	1752.0010002	4622

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EXAMINER

HUYNH, BA

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 03/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/488,578	SNYDER ET AL.
	Examiner Ba Huynh	Art Unit 2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 07 February 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-35 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-35 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. **BA HUYNH**  
**PRIMARY EXAMINER**

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being obvious over US patent #6,038,573 (Parks).

- As for claims 1, 8, 10, 18, 26: Parks teaches a computer implemented method and corresponding apparatus for distributing a video stream from a source in a video production environment (1:6-10) to a destination (2:51-54), the video stream resulted from a video production process, comprising the steps/means for:

enabling creation of a script (figures 2, 5; 3:20-27) containing sets of production commands (“start tag”, “end tag”, 1:60 - 2:5) to identify a specific segment within the video stream,

executing the sets of production commands to produce the show (8:33-43). Commands can be inserted into the script to control machines during broadcast. Parks fails to clearly teach the implementation of the Pause command for pausing from execution of next segment file.

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However, it is well known in teleprompting that pausing is a frequently used command for temporary stopping the execution of program files. Thus it would have been obvious to one of skill in the art, at the time the invention was made, to implement a pause command in Parks. Motivation of the implementation is for temporary stopping the execution of the next segment file. A news document is an assembly of multiple news segments (3:22-25; 6:59-61). A program segment can be distributed to a network destination (6:8-26).

- As for claims 2, 11: A news document is an assembly of multiple news stories (3:22-25; 6:59-61).

- As for claims 3, 9, 12: The program instructions irreversibly appends the file segments to a show document prior to the execution of the production commands.

- As for claim 4: Parks fails to clearly teach the instructions for transitioning from one segment to subsequent segment. However, transitioning transitioning from one segment to subsequent segment is well known in video editing. It would have been obvious to one of skill in the art at the time the invention was made, to implement the well known instruction for transitioning from one segment to subsequent segment to Parks. Motivation of the implementation is for providing a transition between the segments.

- As for claims 5, 13: The news document is stored in a memory (6:17-20).

- As for claims 6, 7, 14, 15: The news document is recorded for subsequent playback (3:28-34). A segment file contains delimiters ("start tag", "end tag", 1:60 - 2:5) to identify a specific segment within the video stream.

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- As for claims 16, 17, 32: Parks teaches a computer implemented method and corresponding apparatus for distributing a video stream from a source in a video production environment (1:6-10) to a destination (2:51-54), the video stream resulted from a video production process, comprising the steps/means for:

enabling creation of a script (figures 2, 5; 3:20-27) containing sets of production commands (“start tag”, “end tag”, 1:60 - 2:5) to identify a specific segment within the video stream,

executing the sets of production commands to produce the show (8:33-43). Commands can be inserted into the script to control machines during broadcast. Parks fails to clearly teach the implementation of the Pause command for pausing from execution of next segment file.

However, it is well known in teleprompting that pausing is a frequently used command for temporary stopping the execution of program files. Thus it would have been obvious to one of skill in the art, at the time the invention was made, to implement a pause command in Parks.

Motivation of the implementation is for temporary stopping the execution of the next segment file. A news document is an assembly of multiple news segments (3:22-25; 6:59-61). Parks fails to teach that the script is created by converting verbal instructions. However, implementation of creating script by verbal instruction is well known in the art of audio input and voice recognition. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known audio input and voice recognition to Parks for creating the script.

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Motivation of the combine is for the advantage of having flexibility in input means. Each video segment includes data related to the video segment (2:6-13; 3:24-26).

- As for claims 19, 27, 30: News segments are distributed to the destination in response to a request from the destination (6:20-24; 8:60-61).

- As for claim 20: The system includes commands enable a user to select a show segment for distribution (8:60-61).

- As per claims 21, 31: A news document is a collection of news stories, the content of each story is defined by delimiters (6:42-45). The stories are grouped in a filed directory (8:52-58). The stories can be selected for distribution (8:60-61).

- As for claim 22: News segment can be distributed over Internet (1:25-39).

- As for claim 23: Parks fails to clearly teach the formatting of the segments in accordance with the Internet protocol defined in Internet Standard 5, RFC 791. However, since the segment can be distributed over Internet (1:34-39), it would have been obvious to one of skill in the art, at the time the invention was made, to implement the commands for formatting the segments accordance with Internet Standard 5, RFC 791.

- As for claims 24, 28, 34: Each video segment includes data related to the video segment (2:6-13; 3:24-26). It would have been obvious to implement the distribution of the related information in response to a request.

- As for claims 25, 29: Parks fails to clearly teach the distributing of the news segment over wireless network. However, implementation of data transmission over wireless network is

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well known in the art of communication. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known wireless data communication to Parks for distributing the news segment. Motivation of the combining is for the obvious advantage of having wireless communication path.

- As for claims 33: Parks fails to clearly teach the distribution of advertisements along with the video segments. However, Official notice is taken that sending advertisement along with video data is well known in the art (see RE37,432, 8:13-16 for example). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known distributing advertisements along with video data to a destination. Motivation of the combining is for advertising purpose. Implementation of displaying the ads in serial or parallel with the video segment would have been obvious to one skill in the art in composing the news broadcasts.

- As for claim 35: A show segment is composed (by inserting commands) while it being distributed to a Teleprompter station (8:25-51).

*Response to Arguments*

3. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Inquires***

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 746-7238 may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huynh-Ba whose telephone number is (703) 305-9794. The examiner can normally be reached on Monday-Friday from 8.00AM to 4.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Huynh-Ba  
Primary Examiner  
Art Unit 2173  
2/22/03

BA HUYNH  
PRIMARY EXAMINER